



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 5472-99

4 November 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 3 November 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps Reserve on 17 August 1972 for six years at age 18. The record reflects that by June 1974 you had become an unsatisfactory participant in the reserves due to unexcused absences from scheduled drills. A 17 month period of involuntary active duty was directed and you reported to active duty on 1 November 1974.

During the eight month period from February to October 1975 you received three nonjudicial punishments (NJP) and were convicted by two summary courts-martial. Your offenses consisted of four periods of unauthorized absence (UA) totalling about 60 days, failure to go to your appointed place of duty, failure to obey a lawful order, two instances of drunk and disorderly conduct and disobedience of a written order.

The record further reflects that you were admitted to an alcohol rehabilitation program from 15 December 1975 to 31 January 1976.

Incident to your release from active duty, you were not recommended for reenlistment due to substandard performance. You were released from active duty under honorable conditions on 28 May 1976 and transferred to the Marine Corps Reserve. You received a general discharge upon completion of your military obligation on 15 October 1978.

Character of service is based, in part, on conduct and proficiency averages which are computed from marks assigned during periodic evaluations. Your conduct and proficiency averages were both 3.9. At the time of your service, a minimum average mark in conduct of 4.0 was required for a fully honorable characterization of service.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, limited education, and the fact that it has been more than 23 years since you were discharged. The Board concluded that these factors were insufficient to warrant recharacterization of your discharge given your record of three NJPs and two summary court-martial convictions in only 17 months of active duty, and your failure to achieve the required conduct average. You have provided neither probative evidence nor a convincing argument in support of your application. The Board concluded that the discharge was proper and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director